

RONALD SULLIVAN LAW, PLLC

Ronald S. Sullivan Jr.

1300 I Street NW
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May 24, 2024

By ECF

The Honorable Eric R. Komitee
United States District Judge
Eastern District of New York
225 Cadman Plaza East
Brooklyn, New York 11201

Re: United States v. Carlos Watson and Ozy Media, Inc.
Criminal Docket No. 23-82 (EK)

Dear Judge Komitee:

Mr. Watson and Ozy Media, Inc. submit this letter to request that the Court direct the government to provide a list of witnesses that they intend to call to testify next week to Mr. Watson and Ozy Media, Inc., including (1) the day they intend to call them and (2) the associated exhibits they intend to use with each witness by midnight tonight, Friday, May 24, 2024.

As the Court is aware, during the month of May, the government provided approximately 3,000 documents to Mr. Watson and Ozy Media, Inc. essentially on the eve of trial. Given the volume of material provided and the short period of time to review it, the government's protestations with regard to Mr. Watson's productions are at best hypocritical. On May 10th alone, the government provided an exhibit list with 2500 documents, including more than 100 new 3500 interviews and documents. On May 14th, the government provided additional documents. Ironically, while having recently just provided and still providing new documents to defendants, the government is moving to preclude Mr. Watson and Ozy Media, Inc.'s exhibit list which was only six days late and comprised of documents, the vast majority of which, the government already has and actually provided to undersigned counsel. Given that Mr. Watson and Ozy Media, Inc.'s case is not scheduled to begin until the end of July and the government has the vast majority of documents in its possession, those six days have a *de minimus* impact on the government's ability to review the materials between now and the end of July.

The government is essentially requesting that the Court prevent Mr. Watson and Ozy Media, Inc. from putting on a case in their defense, while continually piling on documents and not providing simple information such as who they intend to call to testify next week and which of their 2500 exhibits they intend to use. In response to our requests, the government has sent an email at 3:49 pm today (attached hereto as Exhibit A), informing undersigned counsel that they will only provide this information if we agree to provide stamped copies of any defense exhibits that we actually plan to use with each witness two days before the witness is called,

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along with the basis for admissibility of each exhibit. In other words, they are holding their witness list hostage, subject to defendants providing a roadmap to our defense. This actually amounts to trial by ambush. The government is clearly not operating in good faith. The government's tactics are unconscionable and violate our clients' Sixth Amendment right to put on a defense and their right to a fair trial.

For these reasons, Mr. Watson and Ozy Media, Inc. respectfully request the Court to direct the government to provide by midnight tonight, Friday, May 24, 2024, a list of witnesses that they intend to call to testify next week to Mr. Watson and Ozy Media, Inc., including (1) the day they intend to call them and (2) the associated exhibits they intend to use with each witness.

Respectfully submitted,

RONALD SULLIVAN LAW PLLC

/s/

Ronald S. Sullivan Jr., Esq.

Admitted *Pro Hac Vice*

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Counsel for Defendant Carlos Watson

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/s/

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Counsel for OZY Media, Inc.

EXHIBIT A

Janine Gilbert

Friday, May 24, 2024 at 16:45:58 Eastern Daylight Time

Subject: RE: US v. Watson & Ozy, 23-cr-82 -- First Week Trial Witnesses and Intended Exhibits
Date: Friday, May 24, 2024 at 3:49:42 PM Eastern Daylight Time
From: Siegel, Jonathan (USANYE) <Jonathan.Siegel@usdoj.gov>
To: Janine Gilbert <janine.gilbert.esq@gmail.com>, Stern, Dylan (USANYE) <Dylan.Stern@usdoj.gov>
CC: rsullivan@ronaldsullivanlaw.com <rsullivan@ronaldsullivanlaw.com>, shannon@frisonlawfirm.com <shannon@frisonlawfirm.com>, Kassner, Gillian (USANYE) <Gillian.Kassner@usdoj.gov>

Hi Janine,

At the outset, we disagree that we have an extremely long exhibit list, given that our list is less than half the length of yours and was provided two weeks ago. We also disagree that we recently produced a large volume of 3500 material – I think you're referring to the 57 documents we produced last week, which is not large.

In any event, because of the complex trial schedule we are facing and travel booking, our witness order is in flux. But if you all will agree to provide stamped copies of any defense exhibits that you actually plan to use with each witness two days before the witness is called, along with the basis for the admissibility of each exhibit, we would be willing to provide our best estimate for which witnesses we will call three calendar days in advance, subject to the caveat that things might need to change based on scheduling.

Thank you.

Best,
Jon

Jonathan Siegel
Assistant United States Attorney
Eastern District of New York
271A Cadman Plaza East
Brooklyn, New York 11201
Tel: 718-254-6293
Email: Jonathan.Siegel@usdoj.gov

From: Janine Gilbert <janine.gilbert.esq@gmail.com>
Sent: Friday, May 24, 2024 3:39 PM
To: Siegel, Jonathan (USANYE) <JSiegel@usa.doj.gov>; Stern, Dylan (USANYE) <DStern1@usa.doj.gov>
Cc: rsullivan@ronaldsullivanlaw.com; shannon@frisonlawfirm.com; Kassner, Gillian (USANYE) <GKassner@usa.doj.gov>

Subject: [EXTERNAL] Re: US v. Watson & Ozy, 23-cr-82 -- First Week Trial Witnesses and Intended Exhibits

My apologies, let me clarify, will you be providing the list of witnesses you intend to call on which days, and the exhibits associated with them today?

From: Janine Gilbert <janine.gilbert.esq@gmail.com>

Date: Friday, May 24, 2024 at 3:36 PM

To: Siegel, Jonathan (USANYE) <Jonathan.Siegel@usdoj.gov>, Stern, Dylan (USANYE) <Dylan.Stern@usdoj.gov>

Cc: rsullivan@ronaldsullivanlaw.com <rsullivan@ronaldsullivanlaw.com>, shannon@frisonlawfirm.com <shannon@frisonlawfirm.com>, Kassner, Gillian (USANYE) <Gillian.Kassner@usdoj.gov>

Subject: Re: US v. Watson & Ozy, 23-cr-82 -- First Week Trial Witnesses and Intended Exhibits

Just to understand, will you be responding today?

From: Siegel, Jonathan (USANYE) <Jonathan.Siegel@usdoj.gov>

Date: Friday, May 24, 2024 at 3:25 PM

To: Janine Gilbert <janine.gilbert.esq@gmail.com>, Stern, Dylan (USANYE) <Dylan.Stern@usdoj.gov>

Cc: rsullivan@ronaldsullivanlaw.com <rsullivan@ronaldsullivanlaw.com>, shannon@frisonlawfirm.com <shannon@frisonlawfirm.com>, Kassner, Gillian (USANYE) <Gillian.Kassner@usdoj.gov>

Subject: RE: US v. Watson & Ozy, 23-cr-82 -- First Week Trial Witnesses and Intended Exhibits

Hi Janine,

Moving Mr. Jackson to bcc. We'll respond without involving the Court's staff.

Best,
Jon

Jonathan Siegel
Assistant United States Attorney
Eastern District of New York
271A Cadman Plaza East
Brooklyn, New York 11201
Tel: 718-254-6293
Email: Jonathan.Siegel@usdoj.gov

From: Janine Gilbert <janine.gilbert.esq@gmail.com>
Sent: Friday, May 24, 2024 1:31 PM
To: Stern, Dylan (USANYE) <DStern1@usa.doj.gov>; Andrew Jackson <Andrew_Jackson@nyed.uscourts.gov>
Cc: rsullivan@ronaldsullivanlaw.com; shannon@frisonlawfirm.com; Siegel, Jonathan (USANYE) <JSiegel@usa.doj.gov>; Kassner, Gillian (USANYE) <GKassner@usa.doj.gov>
Subject: [EXTERNAL] Re: US v. Watson & Ozy, 23-cr-82 -- First Week Trial Witnesses and Intended Exhibits

Good afternoon,

I am resending my email below in case you missed it last night. We would greatly appreciate the courtesy of a response today.

Thank you in advance.

Best.

Janine
Janine Gilbert, Esq.

From: Janine Gilbert <janine.gilbert.esq@gmail.com>
Date: Thursday, May 23, 2024 at 10:16 PM
To: Stern, Dylan (USANYE) <Dylan.Stern@usdoj.gov>, Andrew Jackson <Andrew_Jackson@nyed.uscourts.gov>
Cc: rsullivan@ronaldsullivanlaw.com <rsullivan@ronaldsullivanlaw.com>, shannon@frisonlawfirm.com <shannon@frisonlawfirm.com>, Siegel, Jonathan (USANYE) <Jonathan.Siegel@usdoj.gov>, Kassner, Gillian (USANYE) <Gillian.Kassner@usdoj.gov>
Subject: Re: US v. Watson & Ozy, 23-cr-82

Good evening,

Thank you for sending the courtesy copy of this letter.

I am writing to address a completely different issue. Given that we are starting trial next week and you have provided a voluminous witness list and an extremely long exhibit list, would you mind telling us who you intend to call as witnesses next week and which exhibits you will seek to introduce, if any? I am especially concerned because very recently you have produced a large number of documents in your 3500 material disclosures.

Thank you in advance for your consideration and courtesy. Have a great night.

Best,

Janine
Janine Gilbert, Esq.

Janine Gilbert

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From: Stern, Dylan (USANYE) <Dylan.Stern@usdoj.gov>
Sent: Thursday, May 23, 2024 7:36:25 PM
To: Andrew Jackson <Andrew_Jackson@nyed.uscourts.gov>
Cc: rsullivan@ronaldsullivanlaw.com <rsullivan@ronaldsullivanlaw.com>; shannon@frisonlawfirm.com <shannon@frisonlawfirm.com>; janine.gilbert.esq@gmail.com <janine.gilbert.esq@gmail.com>; Siegel, Jonathan (USANYE) <Jonathan.Siegel@usdoj.gov>; Kassner, Gillian (USANYE) <Gillian.Kassner@usdoj.gov>
Subject: US v. Watson & Ozy, 23-cr-82

Hi Drew,

Please find attached the government's response to the defendants' May 22, 2024 exhibit list in United States v. Watson & Ozy Media, No. 23-cr-82. This was filed on the docket today at ECF No. 157.

Thanks,
Dylan

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